

MINUTES

**UTAH
PHYSICIAN'S LICENSING BOARD
MEETING**

February 13, 2008

**Room 474 – 4th Floor – 8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:40 A.M.

ADJOURNED: 12:55 P.M.

Bureau Manager:

Noel Taxin
Diana Baker

Board Secretary:

Karen McCall

Board Members Present:

George C. Pingree, MD, Chairperson
Stephen E. Lamb, MD
James H. Pingree, MD
Elizabeth F. Howell, MD
Lori G. Buhler
Michael T. Giovanniello, MD
John W. Bennion, Ph.D.
Marc E. Babitz, MD
Kristen Ries, MD
Richard J. Sperry, MD

Board Members Absent:

James R. Fowler, MD

DOPL Staff Present:

David Stanley, Division Director
Kent Barnes, Compliance Coordinator
Debbie Harry, Compliance Officer
Susan Higgs, Compliance Officer
Connie Call, Compliance Officer

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Change of Commencement of Meetings

Dr. George Pingree discussed the issue of a quorum for the Board meeting to start and the starting time of the meeting. Dr. George Pingree asked if any Board members would object to starting the meetings at 9:00 am versus 8:30 am in order for all to be present.

Following discussion, Dr. James Pingree made a motion to change the commencement time of the meetings from 8:30 am to 9:00 am. Dr. Howell seconded the motion. **The Board vote was unanimous.**

MINUTES:

Dr. Giovanniello commented that it works well for the schedule of the Board members to have the minutes and agenda e-mailed out to them.

Ms. Taxin responded that she and Ms. McCall will try to accommodate the Board.

Dr. Lamb made a motion to approve the January 9, 2008 minutes as read. Ms. Buhler seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

Debbie Harry, Compliance Officer Report

Ms. Taxin explained that Mr. Stanley, the Division Director, has created a Compliance unit. She stated that the unit will assist the Bureau Managers by tracking the probationers. Ms. Taxin introduced Debbie Harry and explained that Ms. Harry will review the probationary files prior to the meeting and present a condensed report on each probation person to the Board.

Ms. Harry explained that the 30th of each month will be the deadline for each Physician probationer to submit their documentation for the Board meeting. She reviewed the new file type and the information that will be contained in the file. Ms. Harry stated that if the Board has any additional suggestions to contact her and she will add the information in each file.

Ms. Taxin explained that if Board members identify errors in the tracking of the probationers to notify her or Ms. Harry to correct the errors. She stated that each Board member will receive a tracking form to assist with the interview of the probationers. Ms. Taxin explained the tracking form for Board members.

Ms. Harry reviewed Dr. Steven Pack's Compliance/Non-compliance Report. She briefly explained that Dr. Pack started his probation on June

15, 2007. She stated that he failed to maintain controls over the controlled substances. She stated that Dr. Pack was unable to account for shortages of controlled substances in the controlled substance inventory in his office. Ms. Harry stated that on at least 2 occasions Dr. Pack wrote RX in employee names and said it was for office use medications. She stated that he entered into a Plea in Abeyance on September 11, 2006 for 2 counts of issuing an improper RX and just recently received his prescriptive license back. She also stated that the supervisor's report has not yet been received. Ms. Harry reported that the Board should request the following:

1. A copy of Dr. Pack's controlled substance log.
2. Copies of the prescriptions he has written.
3. Dr. Pack's supervisor's report.

Ms. Harry reviewed Dr. Alan Heap's Compliance/Non-compliance report. She explained that Dr. Heap started his probation on January 11, 2007. Ms. Harry reported that Dr. Heap prescribed Klonopin for a patient despite his knowing about the potential adverse outcome. She stated that he wrote the name of the pharmacy on the prescription and told patients to get their medications through that pharmacy. Ms. Harry stated that Dr. Heap failed to use the FSMB model policy: controlled substances in treatment of several patients. She stated that he failed to prescribe Phentermine without following the Law and prescribed a controlled substance to a known addict. Ms. Harry reported that the Board should request the following:

1. Supervision reports from January 14, 2006 and June 13, 2007.
2. Copies of the prescriptions he has written from February 14, 2007, March 15, 2007, April 14, 2007, May 14, 2007, July 14, 2007 and August 14, 2007.
3. Submit documentation of continuing medical education (CME) that has been completed. His prescribing medications CME was due July 11, 2007 and 4 hours in Law and Ethics was due January 11, 2007.

Ms. Harry reviewed Dr. James Hopkins' Compliance/Non-compliance report. She explained that Dr. Hopkins started his restricted practice on October 23, 1995. She stated that Dr. Hopkins meets with the Board once a year and has an indefinite restricted license. She stated that his controlled substance license is still revoked. Ms. Harry stated that Dr. Hopkins is not on probation but has a restricted license only. Ms. Harry reported that Dr. Hopkins license expired January 31, 2008 and, to date, he has not submitted the renewal form or fee.

Ms. Harry reviewed Dr. William Gulledge's Compliance/Non-compliance report. She explained that Dr. Gulledge started his probation on August 3, 2007. She explained that Dr. Gulledge had disciplinary action taken in Texas for a personal/sexual relationship with a patient. She stated that he continued to prescribe medications after the relationship was terminated and did not make notes in the patient's record charts. Ms. Harry stated that Utah then placed Dr. Gulledge on probation. Ms. Harry reported that the Board should request the following:

1. Documentation of paying in full the \$5,000.00 fine to Texas. This was due July 18, 2007.
2. Reports from Texas.
3. Remind Dr. Gulledge that his CME is required to be completed by April 18, 2008.

Ms. Harry reviewed Dr. Mia Carson's Compliance/Non-compliance report. She explained that Dr. Carson started her probation on January 4, 2005. Ms. Harry explained that Dr. Carson had a substance abuse problem and fraudulently obtained prescription medications, some of them were in patient's names without the patient's knowledge. She stated that Dr. Carson ordered controlled substances for her office and diverted them for her own use and she failed to maintain appropriate records. Ms. Harry stated that Dr. Carson is in compliance with her Stipulation and Order.

9:00 A.M.

Steven Pack, Probationary Interview

Dr. Pack met for his probationary interview.

Board members and Division staff were introduced.

Dr. Babitz conducted the interview.

Dr. Pack submitted his controlled substance log, copies of the prescriptions he has written and his supervisor's report.

Dr. Babitz requested Dr. Pack to update the Board regarding meeting his Stipulation and Order requirements.

Dr. Pack responded that he has been dropped from many of the insurance panels but he has completed all 3 courses the Board approved.

Dr. Babitz requested Dr. Pack to explain the phone call that was received from a Pharmacist regarding Dr. Pack writing a prescription in December 2007 for a controlled substance.

Dr. Pack responded that he was unaware the prescription was for a controlled substance. He stated that the prescription was for the patient's seizures and he wrote out a refill without thinking.

Dr. Babitz commented that Dr. Pack's partner then rewrote the prescription.

Dr. Pack responded that he has had 4 Pharmacists tell him to write prescriptions the way he did that particular one that got him on probation. He stated that there is a misunderstanding out in the communities regarding writing prescriptions. Dr. Pack stated that the Pharmacist who filled his prescription was let go from his position as he stated he did not know there was a problem and he was following the standard of care in that area. Dr. Pack stated that there are a lot of misconceptions on how to obtain medications for the office. He stated that Pharmacists have said that they could get many Doctors in trouble by reporting them. He stated that the CME course he took on narcotics opened his eyes

as he did not learn much of the information during medical school. He explained that if he had requested 500 tablets through a supply company and kept clear records then he would not be meeting with the Board today but he wanted less than 500 tablets in his office. He stated that he received instructions on obtaining office medications from the Pharmacist.

Dr. Lamb commented that by Dr. Pack's own admission he did not follow the Pharmacists orders. He stated that Dr. Pack did not have a tracking system in place in his office and had stated that his office employees did not follow his directions.

Dr. Pack responded that the office employees would forget to write the information down in the log book and when he would notice that the count was off he would have to review his files to locate the chart that documented the distribution and he would then write the information in the log book.

Ms. Baker asked for clarification that Dr. Pack was writing on a prescription pad for x amount of medications for office use.

Dr. Pack responded that Ms. Baker was correct. He explained that an employee would go over to the Pharmacy and purchase the medication for cash.

Ms. Baker asked if he is now purchasing office medications by invoice. Ms. Baker stated that prescriptions for office medications are not appropriate and Dr. Pack should be obtaining office medications by invoice only.

Dr. Pack responded that he is not as he no longer purchasing office medications. He stated that he does use a company and invoices to purchase medications for headaches and kidney stones.

The Board determined Dr. Pack is in compliance with his Stipulation and Order.

Ms. Taxin informed Dr. Pack that his probation reports, including his pink slips, are now due by the

30th of each month.

An appointment was made for Dr. Pack to meet again May 14, 2008.

9:20 A.M.

Alan Heap, Probationary Interview

Dr. Heap met for his probationary interview.

Board members and Division staff were introduced.

Dr. Babitz conducted the interview.

Dr. Babitz requested Dr. Heap to update the Board regarding his practice.

Dr. Heap responded that he is now seeing about 900 patients. He stated that he is the only Psychiatrist in his area and has a very heavy workload. He reported that he only uses a few prescriptions in his practice. Dr. Heap stated that his supervisor has been ill and then the supervisor was on vacation so did not send a report. He stated that he will be meeting with his supervisor next week and will ask about the report.

Dr. Howell informed Dr. Heap that he is also missing the supervision reports from January 14, 2006 and June 13, 2007. She requested all reports be submitted before Dr. Heap's next appointment.

Dr. Babitz informed Dr. Heap that all reports and any additional information are now due by the 30th of each month. He stated that if the information has not been received then a notification letter will be sent. Dr. Babitz reminded Dr. Heap that he must submit the record review report and the supervisor report.

Ms. Taxin commented that it is difficult to go back to the months that were missed. She suggested Dr. Heap request his supervisor to address why those reports were not submitted and give a summary of the missed reports and an update on his performance. Ms. Taxin stated that Dr. Heap informed the Board that he will be meeting with his supervisor next week. She suggested Dr. Heap request his supervisor to submit the report after

their meeting and the next report will be due when Dr. Heap meets again with the Board.

Dr. Babitz reminded Dr. Heap that his reports are due every 3 months. He stated that Dr. Spector met with the Board and is aware of what is required and expected of the supervisor.

Dr. Babitz informed Dr. Heap that copies of his prescriptions are in the file.

Ms. Taxin stated that the self-report has been received.

Ms. Baker informed the Board and Dr. Heap that there is a discrepancy in the prescription copies. She explained that 0964 to 0972 are different patients but the specific numbers have been repeated. Ms. Baker asked Dr. Heap to explain the discrepancy.

Dr. Heap responded that he did not know why the specific numbers were repeated. He stated that he is a little overwhelmed in his position.

Ms. Taxin suggested he review the prescription books and be sure there are no other duplicate numbers. She stated that if there are duplicate numbers he should destroy the book. She asked Dr. Heap to inform the Board if he discovers other duplicate numbers.

Ms. Baker asked where he has his prescription pads printed.

Dr. Heap responded that he does not know as his secretary gets the pads printed for him.

Dr. Babitz asked Dr. Heap to report on the continuing medical education (CME) he completed in Florida.

Dr. Heap responded that the course was cancelled. He stated that he will be going to San Diego, California in July 2008 for CME.

Ms. Harry reminded Dr. Heap that his CME in Law, Rules and Ethics was due in January 2008. She asked if he has taken any of the required CME.

Dr. Heap responded that he believed he had more time to complete the CME. He stated that he has not taken any CME as yet and asked the Board where he would go to obtain the CME.

Ms. Taxin suggested he contact the Utah Medical Association as they should have information available. She suggested Dr. Heap try the Utah Medical Association website or call and ask if they know of any ethics courses.

Dr. Howell also suggested Dr. Heap try the website for courses that are available.

Dr. Giovanniello recommended Dr. Heap try the website and Google ethics.

Dr. Babitz informed Dr. Heap that he is out of compliance until the courses are completed. He asked Dr. Heap to remind his supervisor to send the reports and to inform the supervisor that the reports are due by the 30th of the month.

Dr. Lamb informed Dr. Heap that he must get into compliance or the Board may recommend more severe sanctions against Dr. Heap's license. He stated that if it were him, he would be working overtime to get into compliance because if Dr. Heap loses his license he will have no patients to serve. Dr. Lamb reminded Dr. Heap that he must be in compliance to retain his license.

Dr. Howell stated that the Board has observed that Dr. Heap cares about his patients. She stated that the Board does not see a fire under Dr. Heap to complete the requirements of his Stipulation and Order. She reminded him that he needs to take the initiative to complete the requirements he agreed upon as his license is on the line.

Ms. Taxin commented that maybe Dr. Heap needs to pull back a little in his practice to have a more

manageable practice.

Ms. Baker commented that Dr. Heap is allowed to inform people that he is not taking any new patients at this time.

Dr. Bennion asked Dr. Heap if he is looking for a replacement so he can retire.

Dr. Heap responded that he would like to retire but cannot locate a replacement person.

An appointment was made for Dr. Heap to meet again May 14, 2008.

9:40 A.M.

James Hopkins, Yearly Probationary Interview

Dr. Hopkins did not meet for his probationary interview.

Ms. Baker recommended Dr. Hopkins be invited to meet at the March 12, 2008 Board meeting.

10:00 A.M.

William Gullledge, Telephonic Probationary Interview

Dr. Gullledge was rescheduled from January 2008 for his telephonic probationary interview.

Dr. Ries conducted the telephonic interview.

Dr. Ries asked Dr. Gullledge if he has paid the Texas fine.

Dr. Gullledge responded that he paid the fine about 9 months ago.

Dr. Ries stated that the Utah Board has not been receiving any of the required reports from Texas. She stated that Dr. Gullledge needs to be sure they are sent to Utah.

Ms. Taxin clarified that copies of all reports Dr. Gullledge submits to Texas must be sent to Utah. She asked if Texas has terminated his probation.

Dr. Gullledge responded that he will send copies of the reports to Utah. He stated that Texas will probably terminate his probation in about 3 more months.

Ms. Taxin asked Dr. Gulledge what was required of him in Texas.

Dr. Gulledge responded that he was required to pay the fine and complete a specified number of CME.

Ms. Taxin reminded Dr. Gulledge that his Utah Stipulation and Order requires him to have his CME requirement completed within 10 months of signing the Stipulation and Order and April 18, 2008 is the 10 months deadline.

Dr. Gulledge responded that if the CME needs to be completed by April then he will complete it.

Ms. Taxin asked Dr. Gulledge if he has a copy of the Utah and the Texas Stipulations.

Dr. Gulledge responded that he does.

Ms. Taxin recommended Dr. Gulledge review both to be familiar with the requirements of both and then be sure to submit any documentation to Utah that is required. She stated that Dr. Gulledge is currently out of compliance with his Stipulation and Order and will meet again at the March 12, 2008 Board meeting. Ms. Taxin asked Dr. Gulledge what he is doing to keep himself from getting into this type of situation again.

Dr. Gulledge responded that he has not changed anything in his practice. He explained that he had a personal relationship with a patient and wrote some refills on prescriptions. Dr. Gulledge stated that he no longer allows his nurse to write or sign any of his prescriptions.

Dr. Howell asked Dr. Gulledge what he has changed regarding relationships with patients.

Dr. Gulledge responded that he took a course on ethics and boundaries and boundary violations about 6 months ago and learned that boundaries between physician and patient cannot be crossed.

Dr. Howell asked Dr. Gulledge what he learned about himself by taking the courses.

Dr. Gulledge responded that relationships with patients or nurses in the office or hospitals or any kind of professional capacity is not acceptable.

Dr. Howell agreed that those types of relationships are off limits.

Ms. Taxin asked if Dr. Gulledge has incorporated what he has learned into his life and his office.

Dr. Gulledge responded that he has.

Dr. Ries commented that Dr. Gulledge has stated that he completed CME.

Dr. Gulledge responded that Dr. Ries is correct, that he did complete CME courses.

Ms. Taxin informed Dr. Gulledge that he will need to submit a copy of the certificate of completion of the boundaries course to document that requirement has been completed. She stated that the goal is for Dr. Gulledge to show the Board and Division that he has learned from his mistakes. She again recommended Dr. Gulledge review the Texas and Utah Stipulations to be sure he was meeting every clause in each agreement. She stated that if he has questions he may contact Debbie Harry, the compliance manager who will be keeping track of his file for the Board. Ms. Taxin gave Dr. Gulledge Ms. Harry's phone number.

Ms. Harry informed Dr. Gulledge that his supervision reports are due by the 30th of each month on the form supplied.

Dr. Gulledge responded that he has not received a report form from Utah.

Ms. Harry stated that she will send Dr. Gulledge the form and he may make copies as needed.

The Board determined Dr. Gulledge is out of

compliance with his Stipulation and Order.

An appointment was made for Dr. Gullede to meet again March 12, 2008.

10:20 A.M.

Mia Carson, Telephonic Probationary Interview

Dr. Carson was contacted for her telephonic probationary interview.

Dr. Giovanniello conducted the telephonic interview.

Ms. Taxin introduced herself as Ms. Baker will be leaving Utah. She also introduced Ms. McCall as the current Board Secretary.

Dr. Giovanniello asked Dr. Carson to update the Board regarding her practice in Hawaii.

Dr. Carson responded that she is doing contract work and also has a small private practice doing therapeutic counseling for people who are in recovery. She stated that in October she started covering for a family physician that died suddenly and she has continued working there. Dr. Carson stated that she is working 5 days a week.

Dr. Giovanniello informed Dr. Carson that the supervisor's report was received. He then asked if Dr. Carson is still attending AA meetings.

Dr. Carson responded that she is still attending AA meetings. She explained that she meets with her sponsor, is going to therapy and still has Dr. Carlson monitoring her. She stated that she and Dr. Carlson attend the health professional AA meetings together and they review her charts together. She stated that her aftercare was completed in 2005.

Dr. Giovanniello asked if Dr. Carson has any questions for the Board.

Dr. Carson asked if she will need to sign new contracts for Utah regarding the changes.

Dr. Giovanniello responded that she will not need to sign new contracts with the Division but her

information must be received by the 30th of each month.

Ms. Taxin informed Dr. Carson that Debbie Harry will be the contact person for compliance with submitting information. She gave Dr. Carson Ms. Harry's phone number. Ms. Taxin explained that if information is not received by the 30th of the month Debbie will make contact regarding the information.

Ms. Taxin asked Dr. Carson what type of counseling professional she has been working with.

Dr. Carson responded that she has been working with a professional counselor.

The Board determined Dr. Carson is in compliance with her Stipulation and Order.

An appointment was made for her to meet again August 13, 2008.

10:30 A.M.

Review Minutes from June 2007 regarding Jeffrey Gardner

Ms. Baker explained that Dr. Jeffrey Gardner met in June 2007 and divulged information regarding the Nevada Board that should not be public. She stated that he was concerned that the Utah minutes are posted on the website. Ms. Baker stated that she explained to Dr. Gardner that all Utah minutes are posted on the website as the meetings are open public meetings. Ms. Baker stated that she discussed the issue with Ray Walker, Division Regulatory and Compliance Officer, and he recommended that portion of the minutes be amended to be private information.

Dr. Babitz made a motion for the specified section of the June 2007 minutes be classified as private information and taken out of the public record.

Dr. Bennion seconded the motion.

The Board vote was unanimous.

Ms. Baker stated that the section will be retained in Dr. Gardner's file but will be taken off the public

minutes.

Dr. Giovanniello asked Ms. Taxin and Ms. Baker to explain the reasons for closing a meeting.

Ms. Taxin responded that meetings are mainly closed for discussion of mental status and professional competency.

Dr. James Pingree asked what the Division does with the recordings after the meetings.

Ms. Baker responded that the recording are retained for 13 months and then are destroyed.

Ms. Taxin stated that the hard copy of the minutes is retained forever.

Dr. Howell commented that the Board should be reminded prior to an interview to use the initials of patients instead of their names.

Ms. Taxin responded that she will remind the Board.

10:40 A.M.

L. Scott Benson, New Applicant

Dr. Benson met with the Board for discussion regarding failing the examinations a combination of three times or more.

Board members and Division staff were introduced.

Dr. George Pingree conducted the interview.

Dr. George Pingree asked Dr. Benson where he is currently employed and to explain the situation of the failed examinations to the Board.

Dr. Benson responded that he is employed in Internal Medicine at the University of Utah. Dr. Benson explained that he took the USMLE 1st step and failed 4 out of 5. He stated that he then took the USMLE step 2 and failed once. Dr. Benson explained that he comes from an engineering background and the medical exams are a very different perspective and it has taken him a few years to learn how to take this type of an examination. Dr. Benson stated that he is in the 2nd

year of his 3 year residency program. He stated that his supervisor wrote a letter for the Board.

Dr. George Pingree requested Dr. Benson to briefly explain what the supervisor's letter says.

Dr. Benson stated that his supervisor wrote the letter and sealed it for the Board to read so he is not sure what she said. He stated that his other recommendation for his fellowship is a glowing recommendation.

Dr. George Pingree read the supervisor's letter. He asked if Board members had any questions.

Dr. Giovanniello stated that he could empathize with Dr. Benson as the thought process for engineering is very different from the physician.

Dr. Babitz made a motion to approve Dr. Benson's application for licensure based on Dr. Benson having passed the required examinations.

Dr. James Pingree seconded the motion.

The Board vote was unanimous.

10:50 A.M.
Aaron Jones, New Applicant

Dr. Jones met with the Board regarding his yes answers on the application Qualifying Questionnaire.

Board members and Division staff were introduced.

Dr. Lamb conducted the interview.

Dr. Lamb explained that Dr. Jones's application has 11 yes answers on the Qualifying Questionnaire that are related. He stated that Dr. Jones has written his narrative that indicates a sexual relationship while licensed in California. Because of the California incident, Dr. Jones has indicated that he wants to move his practice to Logan, Utah and that would require him to be licensed in Utah.

Dr. Howell asked what Dr. Jones status is currently

in California.

Ms. Baker responded that he currently holds a probationary license with requirements to complete courses in boundaries. She explained that California requires their probationers to work there and if they do not work in California the probation never ends. Ms. Baker stated that the victim was a patient/nurse in his office. She explained that they were flirting, he gave her nitrous oxide and took some himself and the situation was inappropriate sexual contact but not sexual intercourse. Ms. Baker stated that the evaluation from a Utah forensic evaluator indicates low recidivism and that Dr. Jones has on going therapy. Ms. Baker stated that Dr. Jones does not plan to return to California so his probation there will never be completed. She stated that the Board has the following options:

- 1. Grant a 5 year Memorandum of Understanding Probationary license with specific conditions.**
- 2. Require that Dr. Jones complete the California probation before Utah will consider licensure in Utah.**

Ms. Baker stated that if the Board considers a probationary license then they would list the conditional elements for Ms. Taxin to include in the Order. She explained that Dr. Jones must agree to the conditions, sign the Order and then the Division would issue him a probationary license.

Dr. Lamb asked Dr. Jones to explain in his own words the reasons for his yes answers on the Qualifying Questionnaire.

Dr. Jones briefly explained that in High School he wanted to be an Architect and then looked at being an Engineer when he went to college. He explained that he had some health issues and decided to go to medical school where he struggled due to illnesses. He stated that artistic medicine appeared to be an area where people were generally healthy and then he finally settled on family medicine. He stated that the victim was a friend, patient and employee and he

realizes that the flirting around the office became more personal than it should have and they did share the nitrous oxide. He stated that he was surprised when the police contacted him for sexual harassment. Dr. Jones stated that he was found innocent of the charges. He stated that he is no longer Board certified which makes it very difficult to work with patients. Dr. Jones stated that because he is on probation he is no longer board certified. He stated that he now recognizes his boundaries and knows how to keep his professional and personal business separated. Dr. Jones stated that the California Board has requested that he see a Psychiatrist and then they want specific visits. He stated that working in California appears to be a dead-end for him.

Dr. Lamb asked what Dr. Jones was treating the victim for.

Dr. Jones responded that he was treating her for depression as she could not focus on her work and for some cosmetic surgery.

Dr. Lamb thanked Dr. Jones for his narrative. He stated that Dr. Jones actions were inappropriate. Dr. Lamb asked if Dr. Jones was in a medical practice only.

Dr. Jones responded that he does some claims adjusting. He stated that he knows it will be difficult to be employed with an encumbered license in Utah but he does not plan to open a private practice. Dr. Jones stated that he has located a malpractice insurance company and thought if he had some type of license in Utah then he would be able to locate employment.

Dr. James Pingree asked when Dr. Jones completed his residency.

Dr. Jones responded that he completed his residency in 2004.

Dr. Bennion requested Dr. Jones to explain how he obtained his experience learning about boundary issues.

Dr. Jones responded that he has been seeing a Psychologist and completed a course in California on boundaries.

Dr. Lamb stated that there are 2 evaluations in Dr. Jones file and both do not regard him as a high risk but recommend on-going therapy and support. Dr. Lamb read the evaluations to the Board.

Dr. James Pingree asked Dr. Jones to explain the California probationary requirements.

Dr. Jones responded that California requires him to have a chaperone in the room with him at all times and to be under an approved supervisor. He stated that when he submitted the name of someone to be his chaperone the California Medical Board sent a letter saying that person was not approved. He stated that the Board terminated his office manager's employment after the first month of probation.

Ms. Taxin asked if Dr. Jones met with the Board or if the Board only sent him letters.

Dr. Jones stated that he met once with the Board. He stated that everything else was handled through attorneys. Dr. Jones stated that the Board insists that he communicate with them but they keep changing things so he does not know what he is suppose to be doing.

Dr. George Pingree asked Dr. Jones to explain why he wants to start a practice in Logan, Utah.

Dr. Jones responded that his boys are living there with their mother and he would like to be close to them.

Dr. George Pingree asked if Dr. Jones has been offered any positions in Utah.

Dr. Jones responded that he has not had any offers in Utah.

Dr. Lamb made a motion that the Board put

confidence in those who conducted the evaluations who have documented that Dr. Jones is not a high risk and that Dr. Jones be issued a probationary license that mirror the requirements of the California probation, including but not limited to, continuing counseling and require a chaperone.

Dr. Howell seconded the motion.

The Board vote was unanimous.

Ms. Taxin stated that she will write the MOU including the Boards recommendations. She informed Dr. Jones that he will be required to meet with the Utah Board and to submit reports. She stated that it will take her a couple of weeks to write the MOU and she will contact Dr. Jones after it is written.

Dr. Jones asked if the Board had any ideas regarding where he might be employed with a probationary license and if he will be hireable.

Ms. Baker responded that there are currently about 30 Physicians on probation and all are employed.

Dr. Howell responded that sometimes it is more difficult for those on probation because they are not paneled or Board certified but it is not impossible to find employment.

Dr. Babitz suggested Dr. Jones apply with urgent care facilities, Workman's Compensation, something administrative, teaching roles or State clinics.

Dr. Lamb suggested Dr. Jones also contact the Social Security Administration.

Ms. Taxin again stated that Dr. Jones will be contacted after the MOU has been written and reviewed by the Board.

11:15 A.M. to 11:45 A.M.
David Morris

Dr. Morris met with the Board to deliver a presentation on Diabetes.

Dr. George Pingree notified Dr. Morris that the Board has allotted 30 minutes for his presentation.

Dr. Morris distributed 2 documents for the Board to follow along with his presentation.

Dr. Morris delivered his presentation regarding Diabetes and the overwhelming number of people in the United States who now have the disease. He concluded that the numbers will continue to increase and he advocates for more research to be conducted to assist those with Diabetes and those who may be diagnosed with it in the future.

12:00 P.M.

Mohammed Khan, New Applicant

Dr. Kahn met with the Board for discussion regarding failing the examinations a combination of three times or more.

Board members and Division staff were introduced.

Dr. Bennion conducted the interview.

Dr. Bennion stated that Dr. Kahn has applied for licensure in Utah and has failed the examination 3 times or more. He asked Dr. Kahn to explain the situation of the failed examinations.

Dr. Kahn responded that he is from an under privileged area in Pakistan where English is not his first language. He explained that he attended medical school in Pakistan and studied for the examinations from his home. Dr. Kahn stated that he had difficulty understanding and comprehending the material due to not knowing English. He stated that he used a British translation book but his skills in taking tests were a problem for him. He stated that he did fail the required examination 3 times or more but has now passed.

Dr. Babitz asked if Dr. Kahn is currently licensed in the United States.

He responded that he is currently licensed in California and Missouri.

Dr. Babitz asked Dr. Kahn to explain why he is seeking licensure in Utah.

Dr. Kahn responded that he is a cardiology fellow in the first year of a 4 year program. He stated that the first year is in research and the other 3 years will be clinical.

Based on the information in Dr. Kahn's application and the discussion, Dr. Bennion made a motion to accept Dr. Kahn's application for licensure in Utah.

Dr. Ries seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained that the application will be approved following the Board meeting and Dr. Kahn should receive the license in about 2 weeks.

DISCUSSION ITEMS:

Board Meeting Schedule for the next Quarter

The Board noted that the Board meeting schedule for the next quarter will be April 9, May 14 and June 11, 2008.

Noel Taxin Summary of the Meeting

Ms. Taxin commented in the beginning of the meeting that today the Board's procedure regarding probationers was changed a little from what the Board is used to. She asked the Board to feel free to give her suggestions and feedback if they felt a more efficient and effective manner would be beneficial.

Dr. Babitz responded that the Board conducted a lot of appointments today.

Dr. Giovanniello responded that if there are a lot of appointments Ms. Taxin might think about dividing into 2 groups for the interviews.

Ms. Taxin responded that she would like to have the whole Board meet with each probationer and she will try to be efficient in the meetings so the Board can complete all their business timely and together.

NEXT MEETING SCHEDULED FOR: March 12, 2008

ADJOURN: The time is 12:55 pm and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

03/13/2008
Date Approved

(ss) George C. Pingree
Chairperson, Utah Physician's Licensing Board

02/26/2008
Date Approved

(ss) Noël Taxin
Bureau Manager, Division of Occupational &
Professional Licensing